

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**



74-1663

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

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Docket No: 74-1663  
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UNITED STATES OF AMERICA,

Appellee,

-against-

RICHARD THORNE a/k/a "OM"

Defendant-Appellant.  
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A P P E N D I X

BENJAMIN J. GOLUB  
Attorney for Defendant-Appellant  
Office & P.O. Address  
10 East 40th Street  
New York, New York 10016  
(212) 686-4300

JUDGE CANNON  
JUDGE BRIEN

73 CRIM. 983

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
VS.	Joel N. Rosenthal, AUSA
RICHARD THORNE	264-6421
	For Defendant:
	Benjamin J. Golub
	10 E. 40th St., NYC. 10016
	NYU 6-4300

ABSTRACT OF COSTS	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
(6)					
Fine,					
U.S. Marshal,					
Attorney,					
EXHIBIT 18					
EXHIBIT 472, 474 & 2					
possess. of counterfeited					
obligations (Ct. 1) Possess. of					
plates used in the printing of					
U.S. obligations (Ct. 2)	(Two Counts)				

DATE	PROCEEDINGS
-19-73	Filed indictment.
-29-73	Deft. pleads not guilty. Deft. states full name is "OM". Government's motion to increase bail is denied. Deft's motion to reduce bail -denied. Deft. remanded in lieu of bail fixed at \$10,000. Motions returnable in 10 days. Assigned to Judge Brien for all purposes. Weinfeld, J.
1-4-73	Filed Govt. affidavit, in opposition to request to inspect G/J testimony.
1-4-73	Filed deft. motion to inspect G/J minutes, B/P, etc.
	Filed MEMO END. on motion. This motion is disposed of as directed in open Court this date. See transcript of proceedings. The Govt. is directed to comply



DATE	PROCEEDINGS	PLAINTIFF	DEFENDANT
12-7-73	Filed ORDER that Dr. Stanley Portnow examine deft. and report. Copy of report to be submitted to Benjamin Golub, Esq. Ordered that U.S. Atty. pay fee not to exceed \$125.00. BRIENAT, J.		
12-28-73	Filed Notice of readiness for trial by Govt.		
1-7-74	Filed B/P.		
1-8-74	Filed MEMO & ORDER - All of the issues with respect to a motion addressed to the indictment made by the deft. "OM", and dated Nov. 6, 73, have previously been disposed of, save that set forth in paragraph 1 of the notice. At the hearing in connection with the motion, the Court agreed to the alternative request of movant, that "this Court read the Grand Jury minutes to determine if the evidence therein was sufficient and, if not, to dismiss the indictment. ***Pending such eventuality, no necessity is shown for any inspection by or on behalf of deft., and the motion is in all respects denied. So Ordered. BRIEANT, J. (n/m)		
1-14-74	Filed Govt. notice of motion and affdvt. to consolidate the trials of 73/983 and 73/976, and MEMO END., BRIEANT, J. Motion denied, without prejudice to the filing of a superseding indictment. See Transcript this date. So Ordered.		
1-14-74	Filed defts. affdvt. in opposition to Govt. motion consolidating trials.		
1-28-74	Filed deft's motion for dismissal on grounds of insufficient evidence.		
1-28-74	Filed transcript of record of proceedings dated 12-3-73. (filed in 73-976)		
3-19-74	Filed Order to issue subpoena for witness Marilyn Ornelas. Witness fees to be paid by Govt. BRIEANT, J.		
3-20-74	Filed, Govt's memo of law. (filed in 73 Cr. 976.)		

Cont'd on page 3

JUDGE CANNELLA

DATE	PROCEEDINGS
3-20-74	Filed Defts. Thorne memb of law.. (filed in 73 Cr. 976)
3-20-74	THORNE - Filed affdvt and notice of motion to suppress evidence.
2-4-74*	Suppression hearing begun.
2-8-74	Hearing cont'd.
2-13-74	Hearing cont'd and concluded. Dec. Res. BRIEANT, J.
3-20-74	Filed Govt's. affdvt of service of memo of law.
3-21-74	Filed MEMO END on deft. motion filed 1-28-74. Motion Denied. So Ordered. BRIEANT, J.
3-21-74	Filed MEMO & ORDER: Defts. motion to suppress is denied. *** BRIEANT, J. (See memo) (n/m)
3-23-74	Filed CJA form # 21 Authorization and voucher for transcripts.
3-25-74	TRIAL begun before CANNELLA, J. with a Jury.
3-26-74	Trial cont'd.
3-27-74	Trial cont'd.
3-28-74	Trial cont'd.
3-29-74	Trial cont'd.
4-1-74	Trial cont'd. and concluded Jury verdict. Deft guilty on counts 1 and 2 P.S.I. Ordered, sentence 5-1-74 10 a.m. Bail revoked...Deft remanded....Cannella, J.
4-3-74	Filed defts requests on voir dire
4-3-74	Filed defts requests to charge
4-3-74	Filed Govt's memorandum of law.
4-3-74	Filed Govt's proposed examination of prospective jurors.
4-3-74	Filed Govt's requests to charge.
4-3-74	Filed memorandum and order that the time in which deft may make all post-trial motions: is extended until such date as sentence is to be pronounced by this Court....Cannella, J. m/n
4-16-74	Filed transcript of record of proceeding dated MARCH 25, 26, 27, 28, 29, April 1, 1974
4-10-74	Filed remand dated 10-29-73
***	
3-28-74	Filed CJA appointment of Southern Dist. Court Reporters.

( See PAGE 4 )



5-15-74 Filed Judgment (Atty. Benjamin Golub, present) the deft is committed for imprisonment for a period of THREE YEARS on each of counts 1 and 2, to run concurrently with each other.... Bail increased from \$10,000.00 to \$25,000.00 to be re-written pending appeal.... Deft remanded in lieu of bail..... Cannella, J..... Ent. 5-15-74.....

5-15-74 Filed notice of appeal from judgment of May 15, 1974... Deft's application to proceed in forma pauperis is granted.... Cannella, J... Copy to U.S. Atty. & mailed to deft at Detention Headquarters 427 West St. NYC Ent. on 5-15-74....

5-15-74 Commitment & ordered return, Deft delivered to 7<sup>th</sup> Detention Hdqrs. NYC.

5-20-74 Filed remand dated 4-1-74

6-4-74 Filed notice to the docket clerk that original record has been transmitted to the U.S.C.A.....

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v -

RICHARD THORNE, a/k/a OM,

Defendant.

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:  
:  
:  
:

INDICTMENT

73 Cr.

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COUNT ONE

The Grand Jury charges:

On or about the 26th day of July, 1973 in the Southern District of New York, RICHARD THORNE, a/k/a "OM", the defendant, unlawfully, wilfully and knowingly and with intent to defraud, did keep in his possession and did conceal certain falsely made, forged and counterfeited obligations and securities of the United States, to wit: approximately \$114,000 in counterfeit Federal Reserve Notes, including One, Ten, Twenty, Fifty and Hundred Dollar Notes.

(Title 18, United States Code, Sections 472  
and 2.)

COUNT TWO

The Grand Jury further charges:

On or about the 26th day of July, 1973 in the Southern District of New York, RICHARD THORNE, a/k/a "OM", the defendant, unlawfully, wilfully and knowingly



did have in his control, custody and possession certain plates, stones and other things made after and in the similitude of plates, stones and other things from which obligations and securities of the United States are printed, to wit, a quantify of printing plates and negatives bearing the images of genuin obligations and securities of the United States including One Dollar, Ten Dollar, Twenty Dollar, Fifty Dollar and One Hundred Dollar Federal Reserve Notes, with intent to use such plates, stones and other things and to suffer the same to be used in forging and counterfeiting such obligations and securities.

(Title 18, United States Code, Sections 474  
and 2.)

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FOREMAN

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PAUL J. CURRAN  
United States Attorney